

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

TENGIZ SYDYKOV,
Defendant.

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No. 1:18-CR- **212**

STATEMENT OF FACTS

The parties stipulate that the allegations in Count 2 of the Indictment and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt.

BACKGROUND

1. The defendants, TENGIZ SYDYKOV and ELDAR REZVANOV are citizens of Kazakhstan and Kyrgyzstan respectively. REZVANOV is currently in removal proceedings with U.S. Citizenship and Immigration Services and U.S. Immigration and Customs Enforcement, and SYDYKOV is a Legal Permanent Resident with a pending application to become a naturalized U.S. Citizen.

2. Under the Arms Export Control Act ("AECA") an individual must obtain a license from the Department of State Directorate of Defense Trade Controls ("DDTC") to export Defense Articles on the United States Munitions List ("USML"), from the United States to another country. According to a DDTC records check, REZVANOV and SYDYKOV have never applied for, or obtained, an export license.

3. A review of emails and purchase receipts from licensed U.S. firearms dealers reveal SYDYKOV and REZVANOV purchased, and then attempted to export, or exported from the

Eastern District of Virginia and other locations within the United States, to Grozny, Chechnya, Russia, 7 full pistols, 130 assembled lower receivers, 266 firearm slides, 158 firearm barrels, 996 firearm magazines, 10 stocks, 133 firearm frames, and 453 firearm parts including springs and firing pins, all of which are designated as Defense Articles on the USML.

FIREARMS PURCHASES AND CORRESPONDING SHIPMENTS

4. The defendants attempted to conceal the export of the firearms by using aliases to purchase the firearms and firearm components and lied on federal forms about the final destination of the firearms and firearm components. They then smuggled the firearms and firearm parts onto overseas flights or concealed them in packages by taping them to metal kitchen utensils, to obscure them from x-ray machines, before shipping them overseas.

5. On or about November 1, 2016, an email was sent to a licensed firearm dealer from an email address associated with the defendants asking “would you provide a deal if I buy 10 slides g17 g3. 20-30 magazines g17 17rd. 20 cases and one ADVANTAGE ARMS L.E 17-22 GEN 3 CONVERSION KIT.” The packages were sent to an Alexandria, Virginia apartment. This apartment was leased by SYDYKOV, and was where REZVANOV was arrested in 2018.

6. A search for exports in databases maintained by the Department of Homeland Security around the time SYDYKOV and REZVANOV purchased the firearms and firearm components revealed four packages labeled “Household Goods” and “Plastic Sheets” were sent by SYDYKOV from the Eastern District of Virginia on December 6 and 7, 2016, to Grozny, Chechnya. One of these packages was sent to an individual who wired \$4,950.00 on August 15, 2017, and \$4,150.00 on August 21, 2017, to SYDYKOV.

7. Records checks show that on February 12, 2017, SYDYKOV purchased two FN Herstal 5.57 pistols from SSG Tactical in Fredericksburg, Virginia. On April 4, 2017, SYDYKOV purchased forty (42) Glock 17 Gen 3 receivers and one FNH Five Seven full pistols from The Gun Dude in, Falls Church, Virginia. On May 10, 2017, SYDYKOV purchased twenty-four (24) Glock 17 and 19 Gen 3 9MM pistols from The Gun Dude located in Falls Church, Virginia. On July 29, 2017, SYDYKOV purchased one desert eagle pistol from Trophy Room Sports in Alexandria, Virginia. On August 2, 2017, SYDYKOV purchased one desert eagle pistol from Sharp Shooters, in Lorton, Virginia.

8. These purchases correspond with overseas travel by SYDYKOV. On June 15, 2017, SYDYKOV departed the United States from Dulles International, aboard SU#105 bound for Kyrgyzstan and returned to JFK on July 1, 2017. On September 9, 2017, SYDYKOV departed the United States from Dulles Airport on a flight bound for Ukraine aboard LH #417. He returned on September 17, 2017.

Conflicting and False Statements about Firearms Purchases

9. In addition to the firearms purchased in Virginia, SYDYKOV ordered 15 Glock 17 and 3 Glock 19 Gen 4 frames from Omaha Outdoors, in Texas, on September 8, 2017; 2 Glock 17 Gen 4 frames from Gillman Guns, LLC, in Illinois, on September 9, 2017; 8 Glock 17 Gen 4 frames, and two Glock 26 from a licensed firearms dealer in Utah, on September 18, 2017; and four Glock 17 Gen 4 frames, from the Glock Store in San Diego, California, on September 18, 2017.

10. SYDYKOV picked up all of the firearms and firearm components from NOVA Firearms on September 29, 2017. As part of the transaction recorded by NOVA FIREARMS, SYDYKOV filled out form 4473s which asks whether the purchaser is the end user.

SYDYKOV checked “yes.” SYDYKOV has always checked “yes” as the end user for all of the Glock frames he purchased.

11. Every time SYDYKOV purchased a firearm, he was required to sign ATF form 4473, which states: “The State Department or Commerce Department may require a firearms exporter to obtain a license prior to export. **Warning:** Any person who exports a firearm without proper authorization may be fined not more than \$1,000,000 and/or imprisoned for not more than 20 years. See 22 U.S.C. 2778(c).” (bold in original) Purchase receipts signed by SYDYKOV also notified him that the ultimate consignee could not resell the firearms. In emailed receipts received by SYDYKOV many state that the commodities purchased are export-controlled and that diversion is contrary to U.S. law.

12. On September 25, 2017, NOVA Firearms in Falls Church, Virginia, informed law enforcement that SYDYKOV was supposed to pick up approximately 38 Glock receivers complete with the trigger mechanisms. NOVA Firearms reported this transaction because they were suspicious of SYDYKOV, who claimed that he and a friend “redesign and sell the redesigned gun pieces.” NOVA Firearms management advised SYDYKOV that the sale of multiple firearms or the transport of firearms for export require licenses. SYDYKOV responded in the affirmative stating, “I know.” This conversation was audio and video recorded by NOVA Firearms.

13. Law enforcement agents also spoke with management at The Gun Dude regarding 66 Glocks purchased by SYDYKOV. Management at The Gun Dude told law enforcement that SYDYKOV told them he “ran a security company in Virginia.” He said the merchandise was for his security business. There was no reference to “redesigning guns and gun pieces.”

14. SYDYKOV does not own or work for any security company. There is no

evidence based on the search of SYDYKOV's residence that he "redesigns guns or gun parts," nor has SYDYKOV registered or applied for any licenses to sell firearms or firearms components.

SHIPMENTS OF FIREARMS AND FIREARM COMPONENTS

15. On October 30, 2017, the United States Postal Inspection Service ("USPIS") identified a shipment that REZVANOV made at the Park Fairfax Post Office, located at 3682 King Street, Alexandria, Virginia. REZVANOV was identified by postal employees in a photo lineup after the seizure of these packages. The postal clerk at this post office stated he/she remembered REZVANOV because he was always mailing heavy packages. SYDYKOV and REZVANOV had recently purchased a large amount of firearms, as well as 38 Glock receivers, from NOVA Firearms; barrels and slides from multiple sources such as 4 Glock 43 frames from Glockstore on September 18, 2017; magazines from Glockstore on August 30, 2017; and various slides, parts and receivers from Lanbos Armory on several days in September and October 2017.

16. After being notified that SYDYKOV and REZVANOV were suspected of illegally exporting AECA-controlled items, a USPIS Inspector went to the Park Fairfax Post Office on October 30, 2017, and saw the packages REZVANOV paid for and put into the mail stream for export from the United States. The inspector described the boxes as heavy. Although REZVANOV was the one mailing these particular packages, the packages had a return address that REZVANOV had no connection to, and the name listed in the return address area of the package was not his. Additionally, the Customs Declaration described the contents as "Utensils," among other things. REZVANOV paid \$420 in cash to ship the package, which is atypical of large dollar transactions usually made by credit or debit cards today.

17. The first package shipped by REZANOV was identified as a cardboard box

weighing 30 pounds 10 ounces bearing Customs Declaration CX340036449US, addressed to:

Bislan Mezhev
6 Vtoroy Pereulok Bagratia @2
Grozny, Chechnya, Russia 364015

Return Address:

Dayana Svetova
1533 Mount Eagle Place #1533
Alexandria, VA 22302
703-447-1594

The description of contents listed on the Customs Declaration is:

Vacuum Containers Qty 5 Value \$120
Kydex Qty 4 Value \$20
Earmuff Qty 15 Value \$25

18. The second packaged shipped by REZVANOV was identified as a cardboard box weighing 36 pounds 15.6 ounces bearing Customs Declaration CX130510985US, addressed to:

Hadishat Mezheva
19 Pyaty Pereulok Gudermeskiy
Grozny, Chechnya, Russia 364047

Return Address:

Dayana Svetova
1533 Mount Eagle Place #1533
Alexandria, VA 22302
703-447-1594

The description of contents listed on the Customs Declaration is:

Car Seat Covers Qty 4 Value \$90
Metal Springs Qty 10 Value \$40
Kydex Qty 5 Value \$40

19. There is no record of a person by the name of Dayana Svetova residing at 1533 Mount Eagle Place. At the time the package was mailed, the property was listed for sale on numerous real estate websites and there was a realtor's sign on the property.

20. After the packages were mailed, a border search was conducted. Items seized include 395 firearms parts such as firing pins, springs and extractors; approximately 75 magazines for Glocks and AK 47 rifles; and 20 barrels and slides for Glock pistols.

21. On November 2, 2017, REZVANOV again shipped a package at the Park Fairfax Post Office, located at 3682 King Street, Alexandria, Virginia 22302. The postal clerk at this post office recalled REZVANOV due to the fact that he was always mailing heavy packages. The package was also paid for in cash in the amount of \$189.10.

22. Package number three is identified as a cardboard box weighing 36 pounds 15.6 ounces bearing Customs Declaration CX324413693US and was addressed to:

Adantuev Anvar
17 Selskaya St
Grozny, Chechnya, Russia 364015

Return Address:

Shults Roman
3309 Wyndham Cir #1172
Alexandria, VA 22302
571-457-6480

The description of contents listed on the Customs Declaration is:

Construction tool Qty 3 Value \$55
Car Part Qty 3 Value \$80
Kydex Qty 5 Value \$30

A border search of the package revealed AECA-controlled gun barrels taped to metal spatulas, and gun slides taped to small wheels in an effort to conceal them by making them appear to be casters for kitchen cabinets.

23. Similar to the fictitious name used on the return address label for the October 30, 2017 shipment, there was no record of a Shults Roman residing at 3309 Wyndham Cir #1172. The property was listed for sale on numerous real estate websites at the time the package was shipped. The property is located directly around the corner from the Park Center Drive, Alexandria, Virginia address for REZVANOV and SYDYKOV, where many of the firearm packages were sent. The fictitious names and false return addresses listed on the packages were used to conceal REZVANOV and SYDYKOV's identities, while permitting them to easily retrieve any returned packages left outside the unoccupied properties.

24. In addition to purchasing and mailing firearms and firearm parts; REZVANOV was responsible for packing the items for shipment overseas. The packages seized on October 30, 2017 and November 2, 2017, contained black plastic supports used to make shipping boxes more rigid. These partitions were analyzed by the DHS Forensic Lab. Fingerprints were compared to prints on file with DHS from the alien files of SYDYKOV and REZVANOV. Latent fingerprints for REZVANOV were found on the black plastic partitions. Customs Declarations taped to the seized packages were handwritten and contained a signature. Those declarations had handwriting that was similar to the handwriting on the immigration status for REZVANOV. The DHS Forensic Lab stated that the signature on the declaration and asylum application were pictorially similar to each other.

PAYMENTS FROM FORMER SOVIET COUNTRIES

25. A review of two Bank of America accounts opened by SYDYKOV revealed that \$276,160 was deposited in one bank account between November 2016 and August 2017, and \$83,000 was deposited in a second account between December 2016 and September 2017. The money deposited typically came from wire transfers from Chechnya, and correspond to firearm and firearm component purchases made by SYDYKOV.

26. A review of the SYDYKOV's bank statements revealed numerous transfers from SYDYKOV's brother in Russia and others in Chechnya to SYDYKOV. On May 2, 2017, a \$4,950 wire transfer from Chechnya was sent to SYDYKOV's bank account in the United States. Immediately following that deposit, numerous transfers were made into accounts belonging to SYDYKOV and REZVANOV. Following these transfers, SYDYKOV purchased 24 GLOCK receivers from The Gun Dude on May 10, 2017, and Nova Firearms on May 19, 2017. Another wire transfer for \$4,950, from Chechnya, occurred on April 3, 2017. On April 4, 2017, SYDYKOV purchased 42 GLOCK receivers from The Gun Dude.

INTERNET SEARCHES TO CONCEAL EXPORTS

27. A review of email account ELDAR.REZVANOV@GMAIL.COM, which contained an internet search history, revealed that beginning on November 14, 2017, REZVANOV began searching for "Post Office customer service" and "Jamaica USPS," and "my item stuck in Jamaica, NY post office package got stuck." The seized packages shipped on October 30, 2017 and November 2, 2017, had false USPS scans which were created to make it look like the packages originated in Jamaica, New York, rather than REZVANOV's and SYDYKOV's Virginia location.

28. REZVANOV's search history also revealed that he checked the tracking numbers for the customs declarations on the packages seized. On October 30, 2017, REZVANOV googled "car seat covers" to determine a value. Car seat covers are one of the items falsely declared on the customs declaration to conceal its true contents. REZVANOV also googled, "22302 real estate" on Zillow and Redfin. These searches would have identified the properties for sale that were used by the defendants as false return addresses.

CONCLUSION

29. The acts taken by the defendants, SYDYKOV and REZVANOV, in furtherance of the offense charged in this case, the AECA, 22 U.S.C. §2778(e), including the acts described above, were done willfully and knowingly with the specific intent to violate the law. The defendant acknowledges that the foregoing statement of facts does not describe all of the defendant's conduct relating to the offense charged in this case.

Respectfully submitted,

Tracy Doherty-McCormick
Acting United States Attorney

By:



Ronald L. Walutes, Jr.
Assistant United States Attorney

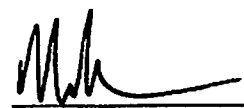
Heather Schmidt
Senior Trial Attorney, National Security Division

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, Tengiz Sydykov, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



Tengiz Sydykov

I am Tengiz Sydykov's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Mark Schamel, Esquire
Attorney for Tengiz Sydykov